

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Samuel Lee Kelley, Jr.

Date of Original Judgment: May 5, 2011

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 7:10-CR-99-1D

USM No: 54696-056

Sherri R. Alsbaugh

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____

The defendant was sentenced at the statutory minimum and that minimum did not change as a result of the retroactive amendment and was not mitigated by a substantial assistance motion.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated May 5, 2011, shall remain in effect. IT IS SO ORDERED.

Order Date: 7/9/15


Judge's signature

Effective Date: _____
(if different from order date)

James C. Dever III, Chief U.S. District Judge
Printed name and title